

Hyde Park City Council Meeting
113 East Center Street
Hyde Park, Utah

August 10, 2016

The Hyde Park City Council meeting of August 10, 2016 began at 7:00 pm and was conducted by Mayor Bryan Cox.

City Officials Present: Mayor Bryan Cox, Council members; Mark Hurd, Bob Christensen, Bret Randall, Sharidean Flint, and Charles Wheeler. Planning and Zoning member; Mark Lynne, Public Works members; Mike Grunig and Kolby Christiansen, and City Recorder; Donja Wright.

Others Present: Florence White, Tom Findlay, Janna Findlay, Charles Hansen, Beverly Maher, Deborah Crowther, Kelli Christensen, Mike Christensen, Debbie Murray, ReNae Randall, Mike Tullis, Angel Crane, Colbi Smith, Lee Skabelund, Paul Skabelund, Todd Nye, Mike Hodson, Camie Fowles, David Fowles, Melinda Lee, Dave Hancey, Laurel Hancey, Marsha Hymas, Randy Grover, Les Patterson, Daniel Watkins.

Prayer or Thought: Mayor Cox

Pledge of Allegiance: Council member Randall

Adoption of Agenda: Council member Christensen moved that the Hyde Park City Council approve the agenda for the August 10, 2016 City Council meeting as presented. Council member Hurd seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.

Review Financials: The Hyde Park City Council reviewed the July Financial Statement.

Citizen Input: Charles Hansen approached the Council and presented them with a letter that was written by Richard Lamb and signed by several members of the community. The letter addressed concerns about the road along 50 east. The letter is attached.

Public Hearing to discuss the proposed tax rate increase for Hyde Park City: The Mayor informed the Citizens that Hyde Park City is considering a property tax rate of .001100. The increase is a 14.75% increase from Last year. The increase on a \$248,442 residence would be \$19.54 per year. The increase is bringing the rate back to the 2008 rate. He opened the public hearing for discussion.

Jana Findlay approached the Council and expressed her concerns about the Council asking for a tax increase after allowing alcohol sales at Maverik. She said that the

Council had misled the public into thinking that the property taxes would not be raised if Maverik was allowed a beer license.

The Mayor informed the Citizens that the main reason the Council supported Maverik in obtaining a beer license was to allow them to be competitive with other businesses in the area. The City has a difficult challenge of being able to sustain the infrastructure with the little bit of sales tax that the City receives.

Les Patterson approached the Council and informed them that he is in favor of the property tax increase but he is concerned that he does not know enough about it. He would like to know why the City is requesting the increase and what the City is doing in regards to economic development.

The Mayor informed the citizens that the City owns commercial property by the new high school and are hoping to bring in some businesses as the High School and the CMPO road go in. The Mayor informed the citizens that he works with a relator, Patience Fisher, and together they have created a benefits package to entice businesses into Hyde Park.

Council member Wheeler informed the Citizens that each year the state adjusts the tax rates of each City. For Example; if the City earned \$200,000 last year and 5 new homes were built during the year; the state adjusts the rates downward to adjust for the 5 more homes. The rates are adjusted every year so that the net income to the City remains the same. The 5 new homes bring in additional roads and infrastructure. The valuation may change on the homes, requiring the Citizens to pay more, but the tax rate typically drops. In order to return the tax rate to the rate it was the year before, the City has to advertise it as a tax increase. In 2008 the tax rate was .0011000. The Council is adjusting the tax rate to be the same as it was in 2008. The City needs to recoup money in order to gradually maintain the infrastructure. Council member Wheeler stated that roads begin to fall apart the minute they are constructed. As more houses are built, the City requires more money to take care of the infrastructure.

Council member Flint informed the Citizens that Mayor Cox and the City Council have been very conservative. They have managed to get the City out of debt and have been conservative with the City funds. She commended the Council on their efforts at doing what is best for the Citizens and the City.

Mike Hodson approached the Council and asked questions about his bill and the valuation of his home. He asked for more detail on the use of funds.

Council member Hurd informed the Citizens that although the City Council can't tie future tax funds to a specific department, he wanted the citizens to be aware of a massive road project that will be hitting the City within the next 5 years. The CMPO road along 200 east is being engineered to Hyde Park City Center Street. The road

will be approximately a .8 mile stretch of new road. The City will be required to come up with 7% of the approximately \$7 million dollar project.

Lee Skabelund apologized for being late and requested information about what the tax increase will be used for. He is not opposed to the proposed tax increase, he just wanted more information as to what the money would be used for.

The Mayor informed the citizens that the City has a General Master plan, a sewer master plan, and is currently working on updating the water master plan. The City is in the process of seeking other water sources to ensure that the City is prepared for many years.

Paul Skabelund approached the Council and commended them for getting out of debt. He encouraged the Council to work at keeping the City out of debt. He informed the Council that he has properties in many different Cities and most of them are considering a tax increase. It adds up quickly and he also wanted information as to where the money would be used.

Colby Smith approached the Council and requested more information on how the tax rate worked.

Council member Wheeler explained the process for how the tax rate is determined. Council member Hurd explained that it is called Revenue Neutral in case anyone wants to look it up and study it further.

The Mayor closed the public hearing

The Mayor informed the Council that the Citizens understand the need for a tax increase, but would like more information about what their tax dollars are being spent on.

Council member Wheeler informed the Citizens that the tennis courts are in need of repair. He applied for a grant and received a RAPZ tax grant that will pay for approximately ½ of the new tennis court and resurfacing of the other one. The East tennis court will be changed to have 2 pickle ball courts as well as a basketball court. The West court will be replaced with a new tennis court.

The City is building a park that will include a retention basin on 250 East Hyde Park (800 East NL). Future years taxes will go towards that park and maintenance fees will come from storm water fees. Lee Park pavilion needed to be replaced. Grants have helped with the funding for Lion's Park and other parks but the City is required to do approximately a 50% match on all of the grant funding.

Council member Christensen informed the citizens that the City put in a new type of chip and seal road on 450 North. It saves the City a lot of money and is an option to

putting in a road that otherwise would not be affordable. The road projects that are currently underway are the Highway to City Shop on 3700 north and Main Street from 150 North to 200 North.

Consider the proposed property tax rate increase and a resolution to adopt the Final Tax Rate and Hyde Park City Final Budget: Council member Wheeler made a motion to adopt the final tax rate of .001100. Council member Christensen seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0. Council member Christensen made a motion to adopt Resolution 2016-09 – A resolution adopting the 2017 fiscal year budget. Council member Hurd seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor.

Public Hearing to discuss ordinance 2016 – 04, an ordinance amending the Storm Water Ordinance: The Mayor opened the public hearing for Citizen Input. There was no input. The Mayor closed the public hearing.

Consider Ordinance 2016 – 04, An Ordinance amending the Storm Water Ordinance: Mike Grunig and Kolby Christiansen approached the Council and informed them that there are only a few changes from the existing ordinance. Kolby reviewed the suggested changes and informed the Council that the changes came from the State. The Storm Water auditor reviewed the Ordinances and approved it. Council member Randall made a motion to adopt the storm water ordinance as amended. Council member Flint seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.

Consider an operating agreement between Hyde Park City, Logan City, North Logan City and the Hyde Park Canal Company: Council member Hurd disclosed that he is on the board for the canal company. Council member Flint made a motion to approve an operating agreement between Hyde Park City, Logan City, North Logan City and the Hyde Park Canal Company. Council member Christensen seconded the motion. Council members Hurd, Christensen, Randall, Flint, and Wheeler voted in favor. The motion carried 5/0.

Consider acceptance of Jay Jenks annexation petition: Council member Randall moved that the Council accepted the petition submitted by Jay Jenks for the proposed annexation of approximately 10.1 acres of property into Hyde Park for future consideration. Council member Wheeler seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.

Council Discussion on 50 East: The Mayor informed the Council that he sent them a letter stating that one of his duties as the Mayor is to “ensure that all applicable statutes and municipal ordinance and resolutions are faithfully executed and observed”. Based on legal findings from the City attorney, Jonathon Jenkins,

according to state statute, 50 east is a road. The vote to close the road, should not have been a City Council vote, it is an executive decision. The Mayor has the responsibility to maintain the law. The Mayor met with Dan Cox and Jeff Jorgensen from North Logan and listened for reasonable options. Dan Cox informed the Mayor that he is open to a development agreement that outlines how he will help pay for the road. Dan Cox is concerned about having citizens affect the flow of traffic in that area.

Council member Wheeler informed the Council that it is also the Mayor and Council's duty to execute City Ordinance. One of the ordinances requires a specific Right of Way (ROW) width and road profile associated with it. Hyde Park City's ROW does not line up with North Logan's ROW. North Logan should be required to meet their-own ordinances. Council member Wheeler recommended approaching North Logan to see if they would look at the subdivision again and consider a cul-de-sac. If unwilling to do that, North Logan needs to realign their portion of the road so that it lines up with Hyde Park City's portion of the road, as this is their development. He informed the Council that the area in discussion was zoned as A-1 with open space and larger lots and developing another wider and improved north south road does not make financial sense as there is a road to the east and west of this one.

Council member Hurd recommended that this become an action item to approach North Logan and discuss the cul-de-sac and realignment of the roads. He informed the Council that there is no value in putting in this road.

Council member Christensen informed the Council that the City does not need to develop a road, and does not believe that the City should develop this road. Council member Wheeler expressed his agreement. Council member Hurd said that the City would not get the dollar value out of the road. The Council had a discussion about the fact that Legal Council said that 50 east is a road but it does mean that the City has to develop the road.

Council member Randall read portions of case # 130100204 to the Council. The case was between North Logan City and several individuals. The City wanted to expand 1600 east to a 66' ROW. The land owners decided that the City did not have the right to do that. Court found that a road not worked for 5 years, ceases to be a highway. The court ruled that although the road was platted in 1880, no improvement within 5 years of platting could be proven and therefore it may not be considered a road. The road was established in 1893 and therefore it was deemed a road. Although 50 east was platted in the 1880s, it would be difficult to show improvements on that road within 5 years of platting.

Council member Flint asked how it was then that the County proved use on private trails in Birch and Hyde Park Canyon and they were ruled a road. They showed

public use for 10 years. The cases that she has reviewed ruled that they were roads due to public use.

Daniel Watkins recommended that the Council approach this topic with North Logan discussing width, improvement, and abandonment. Mr. Watkins informed the Council that he is an attorney and would be happy to meet with the Mayor and the City attorney to discuss some of the legal matters.

The Mayor informed the Council and Citizens that all the questions that were asked of the City Attorney, received the right answers, but maybe all the right questions were not being asked. The Mayor said that he will contact Daniel Watkins and the City attorney and make sure he has all the right questions.

Melinda Lee approached the Council and discussed connectivity. She informed the Council and citizens that she is not from the 50 east area but as an outsider, not having through streets makes it very difficult to find ways through. It also provides a way out for the citizens who live there. The citizens discussed the new high school and how the traffic from that would increase on their road.

The Mayor informed the Council that he will meet with Mayor Berentzen and Daniel Watkins and determine how to proceed from here. The Council recommended that the discussion with North Logan should consist of a conversation about North Logan abandoning their road as it connects to Hyde Park and allowing the subdivision to have a cul-de-sac. The Mayor recommended that he invite Mayor Berentzen to come to the Hyde Park City Council so he can answer questions and get feedback from the entire Council.

Council member Randall asked the Mayor if in the process of picking legal counsel for the City did the Mayor need to get consent from the Council or was it a decision that he could make. The Mayor informed Council member Randall that it was brought up in City Council as a discussion. Council member Randall said that in larger Cities, the Mayor selects the department head and then brings it to the Council to have a vote. He suggested that the City look at different options for legal counsel. The Mayor informed Council member Randall that he will look into the legality of the decision and send the Council his findings.

Consider LUA's recommendation to change the subdivision Ordinance to allow a larger maximum number of acres that could be developed as a PUD: The LUA met with Mike Cooper to discuss the open space requirements in the Northern Meadows subdivision. LUA meeting minutes: *"Mike Cooper asked if the City would consider a change to the ordinance to allow a larger maximum number of acres that could be developed as a PUD. The Land Use Authority agreed that they would recommend that the City Council increase the maximum acreage that may be developed as a PUD. They also discussed the need to review the subdivision ordinance and perhaps*

remove the requirements for usable open space within the subdivision, but utilize bonus density only”.

The Council was in favor of changing the ordinance to allow for more acreage but wanted to be cautious as to how much acreage to allow. A large population of senior housing can cause some hardships on a neighborhood. The Council determined that Mark Hurd and Mayor Cox will meet with Mike Cooper to determine how much acreage he will need. The Mayor asked for a public hearing to be held on August 24th to consider the change to the Subdivision Ordinance.

The Council had a discussion about bonus density versus open space. Council member Wheeler informed the Council that Bonus Density has to be used for new parks and Open Space does not require this. He recommended that before the Council makes any changes, they determine what the optimum number of acreage of parks are needed for Hyde Park City.

Council member Randall informed the Council that the LUA was presented with a concept plan for a new development on the east side of Hyde Park. Sunrise Engineering is going to look at Hyde Park City's water supply to determine if the City has enough water to support the growth.

Departments:

Parks: Council member Wheeler informed the Council that the plan for the tennis courts is to put 2 pickle ball courts and one basketball court on the east side and one tennis court on the west. Council member Hurd asked of the new courts will take up more space. Council member Wheeler said that it will take up 6 additional feet to the west to make room for a walking path between the 2 courts. The Council was in favor of Council member Wheeler signing the contract to begin work on the tennis courts.

Streets: Council member Christensen informed the Council that Chip n seal is about done. Next week they will do the fog seal. Work started on Center and main today. Next week both roads will be closed for asphaltting. The flags that were requested for the cross walks to Cedar Ridge were received and will be in place before school starts.

Emergency Prep: Council member Hurd reported that all the feedback on the City Celebration has been positive. He thanked everyone for their help. He informed the Council that a neighbor of his requested that the Council consider flashing lights by Cedar Ridge. The Council discussed the lights and determined that in 2 years when Cedar Ridge becomes an elementary school, the crosswalks will have crossing guards. The lights are very expensive and the cost is not worth it for one year.

Council member Hurd asked the Council and Mark Lynne, if there is an existing lot in the old part of town but never part of a subdivision, what would it be zoned as? Mark Lynne informed him that it is defined as R-1 but can only developed with the RE-20 requirements.

Administrative: The Mayor informed the Council that the Hyde Park elementary kids will no longer be going to North Park after next year so the City will wait a few years and apply for the Safe Routes to school grant for sidewalks along Center Street.

The Mayor reported that the parking along Cedar Ridge is so bad that the City should consider having an engineering firm redesign the road so parking can be dealt with. Mark Hurd recommended some signs that indicate 45 degree parking.

Adjourn – 10:30

Donja Wright – City Recorder

Council member Flint made a motion to approve the amended minutes from August 10, 2016. Council member Randall seconded the motion. Council members Hurd, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.